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WAR HYPOCRISY UNVEILED

AN ESSAY ON THE
WORLD CONFLICT

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In these rancorous days when much is heard to break down the fair German name and to give a false idea of German national ambitions, when this nation is depicted as a horde of Huns and Vandals, delighting in destruction from sheer lust and malice; when their military system is held up to opprobrium—and the subtle suggestion is sought to be instilled that if they are successful, America will be next in turn to feel the lance of the invading Uhlan—it is proper that we settle down to some sober thinking and ask ourselves whether these blood and thunder stories are not part of the general warfare to destroy the credit and good name of the most powerful antagonist of the Allies.

The constant reiteration of the story of the violation of Belgian neutrality; of German militarism; of the Prussianizing of the world; of tales of cruelty and barbarism, is all intended to have a battering effect upon the unbroken amity that has characterized the historical relations between the German and American people.

The cutting of the German-American cable at the beginning of the war left the Germans helpless during the formative period of American public opinion. The English had the monopoly of press news and drew almost exclusively on their imagination. They dreamed of the multiple deaths of the German Crown Prince; of the defeat and suicide of Gen. von Emmich; of the Fall of Allenstein and Königsberg, and they were not slack in the invention of German atrocities and vandalism. It was not until a considerable time that Americans had the opportunity—which is the *sine qua non* of all justice and fair play—of “hearing the other side.” Then, among others, such distinguished Americans as Professor Burgess and Professor Sloane, as well as Dr. Dernburg, who is almost an American in spirit, took up the cudgels for “fair play” to a nation of 70 millions, whose highest moral and material interests are inextricably interwoven with our own.

A FALSE AND MALIGNANT ANALOGY

Every type of virulence is still vying to exhaustion to arouse prejudice against Germany—prostituting the highest faculties “to make the worse appear the better reason.” One of the more conspicuous of the scorpion-penned baiters of Germany had the nonchalant temerity to suggest to the American public, that, on the same principle that Germany deemed herself forced in self-protection to invade Belgium, she would be justified, *after having captured Paris and invaded England*, in invading the United States as a base of operations for the conquest of Canada. As an example of the absurd methods employed to inflame American feeling, and of the little respect that is shown to American intelligence, this false and far-fetched analogy is quite in line with the general concerted attacks upon Germany.

A TRUE ANALOGY

In place of this most unfair analogy, let us suppose that your house was afire with the only means of escape over your neighbor's roof. Would you dally over the question of the “neutrality” of your neighbor's house—considering that his home is his castle?—or would you simply go over his roof and save yourself and your family?

But what did the Germans do? Did they rush helter-skelter into Belgium without so much as saying: “By your leave?”

JUSTICE TO BELGIUM

No. To the honor and dignity of Human Nature be it said, that in that time of imminent peril, they did what no other nation has ever done; they delayed sufficiently—when every moment was precious—to ask permission of Belgium and to give assurance that her integrity and independence would be protected and reparation made for all losses. The future historian will refer to this act of Germany as a manifestation of a sublime sense of justice.

When this offer was refused, Germany did what any other European nation would have done in the first place. She went into Belgium to save herself from destruction.

There is no doubt that Belgium had the right to refuse permission and to resist invasion. But, when she made her

choice, which involved war with Germany, she cannot complain of the war thus invited. When she took her position with the Allies she understood the war risks she was taking. If she had followed the example of Luxemburg she would have saved herself from calamity. If we assume that Belgium was loyal to her neutrality and did not conspire with France and England to take part in the war, it would bring home to us, "That the real tragedy of history is not the struggle of right against wrong, but the conflict of right against right."

ENGLAND'S BENEVOLENCE TOWARDS EGYPT.

Since we are on the subject of analogies, let us select one, not from fiction but from fact. Let us compare "Germany's Crime Against Belgium" with "Great Britain's Benevolence Towards Egypt."

In July, 1882, England invaded Egypt because that country thought it had the right to improve its fortifications at Alexandria. On the 6th of July Admiral Seymour demanded instant cessation of the work on the forts, under penalty of bombardment. On the 10th of July he insisted on the surrender of the forts at the mouth of the harbor as a material guarantee. The Egyptian ministers strove to negotiate, but the Admiral was firm in his resolution. Early on the morning of the 11th, eight British ironclads and five gunboats fired on the forts, and in a few hours they were battered down. The other powers did not interfere, because the British invasion of Egypt was to be merely temporary and "to secure British interests and restore order."

Mr. Bright, one of England's most noble statesmen, resigned his seat in the Cabinet because he was shocked by such brutal and uncalled-for violation of international law, and because he would not stand for governmental policies of sordid graft upon weaker nations.

On July 17th Mr. Bright entered the House of Commons and stated the reasons that impelled him to resign. His speech was punctuated by such applause as showed that the acts of the British Government were not approved by popular judgment. This came out clearly thereafter, when the British Parliament would not consent to reward Admiral Seymour with either a peerage or a pension, both having been proposed by Mr. Gladstone.

ENGLAND VIOLATES THE MORAL AND INTERNATIONAL LAW

Mr. Bright, in part, spoke as follows:

"I have endeavored from time to time to teach my countrymen an opinion and doctrine which I hold, which is that the moral law is not intended only for individual life, but is intended also for the life and practice of States. I think in the present case there has been a manifest violation of international law and of the moral law, and therefore it is impossible for me to give any support to it. I cannot repudiate what I have preached and taught during the period of a rather long political life. I cannot turn my back upon my belief and deny all that I have taught to many thousands of others during the forty years I have been permitted in public meetings and in this house to address my countrymen. One word only more. I asked my calm judgment and my conscience what was the path of right to take. They pointed it out to me with an unerring finger, and I am humbly endeavoring to follow it."

A nation that, through her Government, has been guilty of such notorious violation of neutrality, should not be taken too seriously when she appoints herself as Guardian-in-chief of public rights and Interpreter-General of International Law. Furthermore, this "Temporary Possession of Egypt" was made Permanent in December, 1914.

GERMAN CULTURE

The English seem very anxious to free the German people from the military despotism that has been grinding them into the greatest commercial and cultural power in Europe. A great mysterious fear has been aroused that the Germans are going to impose their culture on other people. What is called German culture is really the eclectic product of all the culture that may be found anywhere. It is merely the synthesis of all that can be, and ought to be, known and done, within the limits of present civilization. No man is more modest than the German professor, who seeks the light of the lamp of knowledge in the most obscure corners of the earth. Instead of trying to force knowledge on the rest of the world, the authorities have been compelled to

restrict the pressure of foreign students in order that their home students may not be crowded out.

If German culture, as manifested in German life, means to give governmental aid to struggling farmers, through long-time loans at low interest—to give them agricultural instruction by which poor land is made enormously productive—to abolish the slums in the cities—to bring wholesome conditions to smile upon the abodes of the laborer—to banish the vagrant and beggar by affording every man the opportunity to work—to reward the toiler with a reasonable share of the values he helps to bring forth—to provide insurance against the shocks of fate and misfortune—to encourage out-door recreation among the people—to stimulate the sense of the beautiful by architecture and the wise planning of cities—to extend facilities for the acquirement of every kind of useful knowledge—to infuse respect for law and order—to discipline the young to habits of thrift, industry and usefulness—to plant in their hearts the seeds of kindness, courage, honor and integrity—and to inspire a love and devotion to their country that makes all Germans one family ready to sacrifice all that is near and dear for the preservation of the Fatherland—then we have a kind of culture that cannot be imposed—which springs from the heart, the genius, the virtues of a people, and cannot be attained without inward grace, labor, sacrifice and struggle.

GERMAN LEADERS OF LIBERTY

It has been intended to create the impression that the German people are ruled by a military autocracy to which they supinely yield in terror of the ruthless fist of their government. Nothing could be farther from the truth—the suggestion of Tacitus that the ancient German peoples considered the truth as the noblest of their virtues and freedom as the most valuable of their possessions, still holds good among them. The union of German thought and aspiration always made for an advance in the cause of liberty. During our Civil War we had the moral and material aid of Germany in furtherance of the Union and of the liberation of the slaves. Kant, the great leader of German

thought, traced the beginning of the State from the freedom belonging to the individual as his birthright. He opposed paternal government, the *imperium paternale* and demanded the *imperium patrioticum*, where everyone sees in the commonwealth the Fatherland whose stability must be protected by laws enacted by their collective will. He demands equality for the people as a result of the liberty that is born with them, and emphasizes the right of free speech as the palladium of liberty.

Wilhelm von Humboldt declares that the purpose of man is to attain the highest and most proportionate development of his powers as a whole, and to accomplish this, Freedom is the first and most indispensable requisite. He also was a firm supporter of representative government.

Herder demands that all the faculties of the individual, and of the people as a whole, be brought to harmonious development.

Goethe said:

“To this thought I cling, with virtue rife,
Wisdom’s last fruit profoundly true,
Freedom alone he earns as well as life,
Who day by day must conquer them anew.”

Schiller:

“Political and individual freedom remain ever and eternally the holiest of all possessions, the worthiest aim of all endeavor, and the great center of all culture.”

GERMAN FORCES OF DEMOCRACY

These writers, and others like them, are the constant forces that animate the independent, liberty and freedom-loving Germanic spirit.

Against the titanic and all pervading influence of such heroic moulders of German character and thought, the writings of Treitschke and Bernhardi are but feeble and ephemeral manifestations—not at all representative of that sturdy, peace-loving people.

The Hanseatic League—a German institution—was of great commercial and civilizing value—while the three free cities, Hamburg, Bremen and Lübeck, were German

Republics. In fact, the laws and free institutions of England, upon which those of our own land are based, are essentially German in origin, for it was the German stock that came over into England, in a long-continued immigration which practically drove out the aboriginal Briton, and planted the pluck and brawn and hardihood that constitute the strength and bigness of the English people.

In viewing German political institutions, it must be borne in mind that a country that was split up into so many kingdoms, duchies and petty principalities, could not readily develop a general freedom. It is only since 1848 that they have a constitutional form of government. Since the union of their Empire they have made giant strides in the progress of political liberty. The Germans appreciate liberty and freedom as much as any other nation. Schiller's play of William Tell, which breathes the spirit of liberty, is truly typical of their national yearning.

We are indebted to the "Yellow Book" of France, published in the *Times* of December 13, 1914 (Section 9, column 3, page 1), for an elucidation of the progress of popular rule in Germany. The document tells of the state of German public opinion in April, 1914. It speaks of "the democratization of Germany and the growing force of the Socialist party." It then treats of the nobility as follows:

"Not only are its material interests threatened by a formidable movement against agrarian protection, but its political representation diminished in every legislature. In the Reichstag of 1878, in a House of 397 members, 162 were drawn from the ranks of the nobility; in the Reichstag of 1898 there were 83; in that of 1912, 57, of whom only 27 sat on the right, while there were but 14 in the center, the 7 on the left, and 1 on the Socialist benches."

This French authority indicates fairly well the German trend towards democracy and may help to allay any possible fears that a victorious Germany is going to overturn the general freedom of the world.

GERMAN MILITARISM

The militarism of Germany has never wrought itself into such a pitch of exaltation as the French displayed in

casting anathema upon any one seeking justice in the Dreyfus case. A whole nation almost gone mad in behalf of a military system that protected a traitor and degraded an innocent man. After years of suffering he could get no fair play at the hands of the military courts. It remained for the civil courts to reinstate him. Do we hear a word against French militarism?

It is a patent fact that the militarism of Germany has neither oppressed their people, checked their growth, nor in any-wise undermined their prosperity. What, then, becomes of the altruistic argument of those alleged friends of the Germans who say that Germany should be defeated in order to save the good German people from the crushing weight of their militarism?

Neither the alleged evils of German militarism, nor the cruelties and barbarism now so well advertised to a gullible public—nor any of their other vices improvised for the occasion—have made Germany uninviting to the large permanent American colonies there, nor to the vast stream of American travelers who find it their profit and delight to visit and revisit Germany on every available occasion.

GERMANY THE ONLY WORLD POWER THAT HAS KEPT THE PEACE FOR A GENERATION

Were it not for the German military machine, which, by the way, is not disproportionate to the wealth, commerce and population it is designed to protect, Germany's independence and commercial expansion would be at the mercy of rival nations. The army and navy establishments, under existing conditions, are just as necessary to the nations as safe-deposit vaults are to banks and financiers, for protection. And it cannot be honestly said that Germany has used her military strength for any but strictly defensive purposes. If we sift all the muck and mire that has been cast upon Germany we can find nothing that stands out against the all-convincing fact—that Germany is the only world-power that in the past generation has not engaged in war. Our own President Wilson is fond of the pertinent expression, "The proof of the pudding is in the eating."

BARON STEUBEN'S MILITARISM

If the militarism of Germany is of a sort that keeps that country at peace for 44 years, while almost all others, without that pernicious militarism, have been rampant for war, conquest and spoliation of weaker territories, I am very much inclined to recommend the German brand of militarism to all countries who wish peacefully to develop their resources and reap the honest fruit of their industry and labor.

Were it not for the efficient bit of militarism "made in Germany," that Baron Steuben, as Adjutant-General, infused into Washington's army, and the militarism of a French army and navy, together with the potential militarism afforded by the monetary loans given by France and Holland, it is doubtful whether the American Colonies would have attained their Independence. Rev. Dr. Hillis in a recent article gives an illuminating account of what German militarism has done for the general physical and moral efficiency of Germany. It is quite evident, from the general conditions of that country, that its militarism has gone hand in hand with universal progress and development, and that in the matter of actual happiness and contentment of its people and their prosperity, Germany takes a front rank among the nations.

In considering the future of German militarism let us not forget that much good may be expected of a people who were the first to set up the requirement that a soldier must be a gentleman. That there are faults in the military system of Germany, as in all other systems, may be freely admitted. I hold no brief for military, or for any other kind of perfection. We must leave it to the intelligence and spirit of the German people to work out their problems.

It strikes me as absurd to ask American approval of British militarism on the sea and condemnation of German militarism on land. England has used her militarism to challenge every weak and unprotected spot on earth, while Germany has been content to use hers as a guardian of the general peace until overwhelming circumstances forced her to unsheath the sword in self-protection.

POLICY OF JUSTICE TO ALL NATIONS

The world-policy which controls the German Empire was thus set down by its diplomatic founder and greatest statesman:

“We ought to take trouble and weaken the bad feeling which had been called out through our growth to the position of a real great Power, by honorable and peaceful use of our influence, and so convince the world that a German hegemony in Europe is more useful and less partisan and also less harmful for the freedom of others than a French, Russian or English. That respect for the rights of other States in which France especially has always been so wanting at the time of its supremacy, and which in England lasts only so long as English interests are not touched, is made easy for the German Empire and its policy, on one side, owing to the objectivity of the German character, on the other by the fact (which has nothing to do with our deserts) that we do not require an increase of our immediate territory and also that we could not attain it without strengthening the centrifugal elements in our own territory. It has always been my ideal aim, after we have established our unity within the possible limits, to win the confidence, not only of the smaller European States, but also of the great Powers, and to convince them that German policy will be just and peaceful, now that it made good in the *injuria temporum*, the division of the nation.”

THE EMPEROR A LOVER OF PEACE

This fair and honorable policy towards other nations has been followed by the present German Emperor, who frequently went out of his way to pour oil on the troubled political waters, and to preserve peace when war seemed inevitable.

These peaceful proclivities of the Emperor, if any proof were needed, are clearly attested in several of the confidential reports published in the “Yellow Book” of France.

The subjoined extracts from the Emperor’s addresses embody the national aspirations of the German people, and

are in line with his consistent efforts to reach an amicable understanding with France and Great Britain, and to preserve friendly relations with all other countries.

From the Emperor's Addresses

"Germany is in no need of fresh military glory, nor does she require any new conquests, for she has already obtained once for all, on the field of battle, the right to exist as a united and independent nation."

"There is no work in the field of modern research which is not published in our tongue, and no discovery in science which we are not the first to turn to account, to be subsequently adopted by other nations. Such is the World Power to which the German Spirit aspires."

THE "YELLOW BOOK" VERSUS THE NEUTRALITY ISSUE

The pretended reason given by England, with such flourish of trumpets, as to why she went to war, namely, the protection of the inviolability of treaties and the neutrality of a small state, receives a knockout blow, when we read the Yellow Book of France:

Document 66 shows that before the Belgian question came up, Sir Edward Grey stated that if Austria invaded Servia "A European question would be raised and a war would ensue, in which all the powers would take part."

Document 110: Sir Edward Grey said "that if the struggle became general England could not remain neutral."

Document 143: "If the German fleet cross the Straits or go North in the North Sea in order to double the British Isles, with a view to attacking the French coasts or the French navy, or to disturbing the French mercantile marine * * * from that moment on England and Germany would be in a state of war."

Annex No. 123: Sir Edward Grey: "He [the German Ambassador] asked me whether, *if Germany gave the promise not to violate Belgium's neutrality, we would engage to remain neutral. I replied that I could not say that; our hands were still free and we were considering what our own attitude should be.*"

These official records dispose of the pretense that Britain went to war in defence of the cause of Belgium.

THE FATHER OF INTERNATIONAL LAW ON NEUTRALITY

The oft-repeated misrepresentations of Germany's rights and duties with regard to Belgian neutrality render it desirable that the controlling principles of international law, as well as the facts to which they apply, should receive careful consideration.

Was Germany's invasion of Belgium justified?

This question is answered in the affirmative by Grotius, the recognized Father of International Law, in "Right of War and Peace" (Chapter 2, Par. 7), who quotes Seneca as follows:

"Necessity, the great protectress of human infirmity, breaks through all human laws, and all those made in the spirit of human regulations."

And then proceeds (Par. 10):

"Hence it may be inferred, that, in the prosecution of a just war, any power has a right to take possession of a neutral soil; if there be real grounds, and not imaginary fears for supposing the enemy intends to make himself master of the same, especially if the enemy's occupying it would be attended with imminent and irreparable mischief to that same power."

BELGIUM BELLICOSE

It will be expedient to pass in hasty review the historical data selected from authentic sources, which show the march of events that finally led up to the Treaty of Neutralization. The reader should distinguish between the ordinary neutrality, that is, the normal condition of every country not at war, and the extraordinary state of neutralization imposed upon a smaller state by the great powers and requiring upon its part a studious and conscientious observance of impartiality and a scrupulous avoidance of war-like operations. At this point it may be well to inquire whether Belgium has not forsaken the paths of neutrality by sending, in 1865, a body of troops to Mexico in aid of Emperor Maximilian against President Juarez, violating the Monroe Doctrine; by participating in the war on China in 1900, during the Boxer Rebellion; and

by acquiring the Congo Colonies, where the practice of atrocities upon the natives aroused general indignation and led to international friction.

POINTS IN BELGIAN HISTORY

In Roman times Belgium was part of Gaul. In 870 the portion east of the river Scheldt was made part of Germany, the western division part of France. In 1482 we find it in the hands of the Hapsburgs; in 1555 in possession of Philip II of Spain, who, in 1598, ceded it to his daughter, Isabella, when it became an independent Kingdom. On the death of her husband, Albert, it fell back to Spain. By the Treaty of Utrecht, 1713, it was given to Austria. During the War of the Austrian Succession, almost the whole of it fell into the hands of France, but was, in 1748, peacefully restored to Austria by the Treaty of Aix La Chapelle. In 1790 it revolted, declaring independence. In the course of the same year Austria succeeded in regaining possession. By the War of the French Revolution peace was again interrupted. In 1794 Belgium was conquered and subsequently added to France. After the fall of Napoleon, it was united with Holland and its boundaries defined, in 1815, by the Congress of Vienna.

Without being consulted, the Belgians were placed under the sceptre of the King of Holland, no regard being paid to national history or ideals, but merely with a view to setting up a barrier against the power of France. This scheme was mainly due to the efforts of British statesmen, working in conjunction with the Prince of Orange, who was settled in England. Great Britain received as her reward the Cape of Good Hope, Guiana and other colonies, on the pretense that they were being held in pawn for a liberated Holland, while Belgium was treated as a conquered country to be disposed of by the great Powers as they pleased.

The Belgians and the Dutch did not prove to be good yoke-fellows. Disagreements between them finally led to riots and disturbances in 1830, as the Belgians complained of unequal representation and unfair apportionment of the national taxes and debt. A National Congress of Belgians convened in Brussels, which declared their independence of Holland. But Belgium was not allowed to control her

own affairs. The Powers assumed a guardianship over the destinies of Belgium. On January 20, 1831, the London Conference decided that the frontier of Belgium should not be as their people desired, but should be that of 1790; that her neutrality should be guaranteed; that the navigation of her rivers should be free, and that the public debt should be divided with Holland. Luxemburg was given to Holland as part of the Germanic Confederation. *These proceedings, however, did not meet with the approval of the Brussels Congress, which protested against them.* Holland refused to accept the settlement made by the Powers and declared war against Belgium, whose army was beaten. Dumortier in his work, "Belgium and the 24 Articles," page 3, refers to this Treaty of 1831 as being arranged by the Powers solely with reference to their own interests, "*determined to dispose of Belgium, not absolutely without her consent, but at all events, in a manner essentially opposed to the interests and wishes of the vast majority of the nation.*"

It was not until March 14, 1838, that the Dutch finally accepted the conditions imposed by the great Powers. Then followed the Treaty of 19th April, 1839, based on the 24 Articles of the Treaty of 1831. Article VII of the 1839 treaty, states that "Belgium, within the limits specified in Articles 1, 2 and 4, shall form an Independent and perpetually Neutral State. *It shall be bound to observe such neutrality towards all other States.*"

At this point arises the pertinent inquiry, whether Belgium's conduct and attitude towards Germany were consistent with her duties as a neutral.

In the course of the negotiations between the great Powers, serious disagreements arose, during which an English fleet blockaded the Dutch ports and a French army besieged and took Antwerp.

QUEEN VICTORIA ON BELGIAN NEUTRALITY

Queen Victoria's Letters, Vol. III, pages 218, 219, give an interesting statement on Belgian Neutrality:

"Belgium was declared a neutral State in order to make it impossible for France to annex the country, or

obtain any power in it. The Belgians did not, themselves, desire to have their country made neutral, or put under the protection, which in some ways meant the tutelage of the Powers."

TREATY CONCEIVED IN TYRANNY AND BORN IN BLOODSHED

Thus was Belgium unwillingly subjected to a state of neutralization by coercion of the Powers that consulted only their own interests. From what one hears about this treaty, one would be led to believe that the high contracting parties had been inspired by some noble, altruistic resolve, that war shall be no more, and that Belgium shall be perpetually consecrated to the holy cause of peace. But that was not the motive at all. Each was afraid that the other might seize Belgium, so it was agreed that none shall have it. This was the genesis of the Treaty of 1839. Now all the guaranteeing powers are banded in groups straining to destroy each other. And this is the treaty, conceived in tyranny and born in bloodshed, the sanctity of which is to be vindicated—after the lapse of generations—by making the whole world run red with the blood of innocent peoples!

The Germany of to-day did not exist in 1839, but Prussia, now a part of Germany, signed that treaty. Assuming that the German Empire took over the treaty obligations of the several states forming the union, it was a blanket adoption of such foreign obligations in whatever condition of validity they happened to be at the time. Such omnibus adoption cannot be construed as strengthening or confirming the treaty obligations, which, for any cause, had become modified or obsolete.

That this treaty of 1839 had in fact become obsolete is apparent from the conduct of the parties on every occasion when the subject became of paramount interest, as, at the beginning of the Franco-Prussian War in 1870, and again, at the opening of the present world-conflict. It is to be noted that, from the first, England was the power that took chief interest in Belgian neutrality.

BRITISH INTEREST IN BELGIUM

The reason for this is well explained by Col. C. F. R. Henderson in his "Science of War." He refers to the constant influence of Antwerp on the destinies of the British Isles and quotes from Alison's history, as follows:

"Nature has formed the Scheldt to be the rival of the Thames. Flowing through a country excelling even the midland counties of England in wealth and resources, adjoining cities equal to any in Europe in arts and commerce; the artery at once of Flanders and Holland, of Brabant and Luxemburg, it is fitted to be the great organ of communication between the fertile fields and rich manufacturing towns of the Low Countries and other maritime states of the world. Antwerp, moreover, the Key of the great estuary, is eminently adapted for the establishment of a vast naval arsenal, such as it became under Philip II of Spain and again under the First Napoleon. It is the point from which in every age the independence of these Kingdoms has been seriously menaced. Sensible of her danger, it has been the fixed policy of Great Britain for centuries to prevent this formidable outwork from falling into the hands of her enemies, and the best days of her history are chiefly occupied with the struggle to ward off such a disaster."

Col. Henderson then shows that it was to protect Antwerp from the French that Charles II sided with the Dutch in 1670; that Anne declared war on Louis XIV in 1704; that Chatham supported Prussia in 1742, and that Pitt fifty years later, took up arms against the French Revolution.

It is thus easy to understand why Great Britain does not want Belgium or Holland to fall into the possession of any of the great Powers and why British statesmanship is just now, so deeply solicitous about the sanctity of treaties and the protection of small countries.

PRACTICAL INTERPRETATION OF 1839 TREATY

The way the old neutrality treaty was regarded in 1870 by the guaranteeing powers is a fair criterion of its status and value at that time. When at the outbreak of the

Franco-Prussian War it was generally understood that neither France nor Prussia would regard the old treaty as having any binding force, what did the guaranteeing powers do? Did they protest? No. No one took up the matter except England. Even England was not of one mind; there were several members of the Cabinet who did not favor the taking of any action.

On August 4, 1870, Gladstone wrote the following to John Bright in relation to a new treaty intended to secure Belgian neutrality during the Franco-Prussian War:

"The recommendation set up in opposition to it generally is, that we should simply declare *we* will defend the neutrality of Belgium by arms in case it should be attacked. Now the sole or single-handed defense of Belgium would be an enterprise which we incline to think Quixotic."

This again shows what England thought of the chance of getting her co-guarantors to help her defend Belgian neutrality under the old worn-out treaty.

England then proposed a new treaty to Prussia and France, providing that if the armies of either violated the neutrality of Belgium, Great Britain would co-operate with the other for its defense, but without engaging to take part in the general operations of the war. The treaty was to hold good for twelve months after the conclusion of the war. A saving clause was added, that thereafter the rights of each shall continue to rest upon the old treaty. If there were no such rights, their reservation was, of course, only of paper value. It meant merely a reservation of any rights that might have existed at the time. That clause was an obvious formality, as is frequently put into legal documents, not to indicate the existence of rights, but to save rights that may possibly exist.

IF OLD TREATY VALID, NO NEW TREATY NECESSARY

If, in the future, Belgian neutrality is "to continue to rest" upon the disclosed virtues of the old treaty, does it not mean that a special treaty will have to be made every time such neutralization is to be assured?

When the new treaty in 1870 was submitted to Bismarck he assented at once, but France hesitated. After the battle of Woerth she made no more difficulty and the treaty was signed on August 9th.

If the old treaty had been in full force and effect, why did England insist on a new treaty? Is it not clear that if the guarantors under the old treaty stood ready to enforce the guarantee that it would have been supererogation to propose a new one to cover the identical purpose of the treaty of 1839, the neutralization of Belgium? Would a tenant who had a five years' lease visit his landlord after the first or second year to demand a new lease covering identical premises, terms and conditions? We have seen that when the practical test of the old treaty came in 1870, the guarantors failed to make good their guarantee. A treaty of guarantee without ready and willing guarantors, is like the play of Hamlet with Hamlet left out. It is a euphemism to call such a treaty obsolete; "dead" is the proper word.

NEW TREATY OF 1870 DOES NOT REVIVE OLD TREATY OF 1839

But it has been claimed in this controversy that the new treaty of 1870, covering the war and only twelve months thereafter confirmed or revived the old treaty of 1839. This claim is untenable because a recognition of the old treaty to have any such effect would require the united act of all the original parties. Three powers cannot bind five.

The same objection was made in the British Protest of 23 Nov., 1846, against the annexation of the Free State of Cracow (declared neutral and independent by treaty May 3, 1815), by Austria, one of the guarantors. The Protest declared: "It is not competent for three of those Powers, by their own separate authority to undo that which was established by the common engagement of the whole."

The fact that all of the original parties did not see fit to join in the special treaty of 1870, or to insist on the enforcement of the old treaty, thus making a new one necessary, shows that there was no vitality left in that old treaty. Certainly it was not of a character to justify England in entering upon a world warfare.

A few days before the outbreak of the present war we find England again asking Germany what she is about to do with reference to Belgian neutrality. Some time before this Belgium made a similar inquiry and Germany then replied that the neutrality would be respected.

The chancelleries of Europe must have been aware for some time that the political situation was approaching a crisis, and that an explosion might occur at any time. English Consols had reached the lowest figure in half a century. Germany knew full well the militant preparations that had been going on against her and realized the keen meaning and object of Belgium's inquiry at that particular time; it was not only proper but necessary for Germany to reserve to herself the true military information involved in the inquiry as to her future intentions. Germany was not bound to give points to her enemies.

FRANCE TRIES TO ANNEX BELGIUM IN 1866

A brilliant sidelight upon the status of this neutrality treaty is shed by the French negotiations in 1866, when Emperor Napoleon III treated with two of the guarantors themselves for the disposal of Belgium.

Morley, in *Gladstone's Life*, Vol. II, page 340, comments on this as follows:

"If France and Prussia agreed, how could we help Belgium, unless indeed Europe joined. But then what chance was there of Russia and Austria joining against France and Prussia for the sake of Belgium, in which neither of them had any direct interest."

THE POWERS PLOTTING AGAINST BELGIUM

Mr. J. de C. MacDonnell, a distinguished author and publicist, in his work "*King Leopold II.*," page 80, speaks of the neutrality treaty as follows:

"It must be remembered that, except in so far as it rests on self-interest, the neutrality of Belgium is without a real guarantee, and must remain so as long as Belgium remains an independent State. It cannot be forgotten that, from the moment the Great Powers guaranteed the neutrality of Belgium, they all of them—with the exception of England—began to plot with

one another in secret for her occupation, her overthrow, or her partition among themselves.”

Enough has been shown that this old treaty, for all practical purposes, was dead.

NEUTRALIZATION IN PRACTICE

The subject of neutralization by treaty is a comparatively new thing in international law. It has been tried in only a few cases, and in these has met with little success. By the treaty of Amiens, March, 1802, Malta was neutralized but England took it and holds it. The neutrality of Switzerland was only then respected when she was able to defend it by force of arms. When France, in 1860, took Savoy, which had been neutralized when it was part of Sardinia, the guarantee vouchsafed by the Vienna and Paris treaties was violated without much ceremony, and not one of the guarantors did aught to maintain the guarantee. The neutralization by the Vienna Congress, 1815, of the Free State of Cracow was violated by the elimination of its neutrality and independence when it was arbitrarily annexed by Austria.

An instructive illustration of the practical working of neutralization is further afforded by the following:

Russian Note, 31st Oct., 1870, denouncing the stipulations of the General Treaty of 30th March, 1856:

“His Imperial Majesty cannot admit, *de facto*, that the security of Russia should depend on a fiction which has not stood the test of time, and should be imperilled by her respect for engagements which have not been observed in their integrity.”

In a further Russian Note, 1st Nov., 1870, denouncing the same Treaty of 1856, Russia speaks of “the facility with which, scarcely 10 years after its conclusion, a solemn arrangement, clothed with an European Guarantee, has been infringed both in letter and spirit, under the very eyes of the Powers who should have been its guardians.”

Coming down to the present we have good reason to doubt whether England will observe the neutralization of the Suez Canal, for she has threatened to seize her enemies' vessels that were stalled, at the beginning of the war, in this guaranteed neutral water-way.

EARL GREY SAYS BELGIUM MISTRUSTED ENGLAND IN 1913

An interesting contribution to the literature of Neutralization was made by the British Foreign Office on last December 6th with reference to the statements implying that Great Britain had ever contemplated the violation of Belgian neutrality. A record is given of a conversation which Sir Edward Grey, Secretary for Foreign Affairs, had with the Belgian Minister on April 7, 1913.

In reporting the conversation to the British Minister at Brussels, Sir Edward Grey said it had been brought to his knowledge that there was apprehension in Belgium that England would be the first to violate Belgian neutrality. Sir Edward Grey denied that England would be the first to do such a thing.

There must have been considerable apprehension in Belgium to cause it to be made the subject of diplomatic discussion. This is another sidelight upon the faith Belgium had in the efficacy of its guaranteed neutralization.

ENGLAND READY TO INVADE BELGIUM DURING FRANCO-PRUSSIAN WAR

Perhaps these apprehensions were aroused by a knowledge of what was going on behind the scenes. The late King of Belgium was never over-trustful of England's intentions. That these fears of Belgium as to what English diplomacy would do, were not entirely groundless may be conjectured from the reading of a passage in Vol. II, page 339 of John Morley's extensive life of Gladstone. On July 16, 1870, Gladstone wrote to Cardwell at the War Office:

"What I should like is to study the means of sending 20,000 men to Antwerp with as much promptitude as at the Trent affair we sent 10,000 to Canada."

England's willingness to violate Belgian neutrality was in no wise negated by Gladstone's later letter saying: "It is only a far outlook which brings into view as a possibility the sending of a force to Antwerp." Conditions may have changed, but the cause for apprehension was not removed.

While all lovers of peace would welcome the success of the neutralization idea, it seems that in practice it will hold

good only so long as it does not interfere with military exigency or the good-will and convenience of the guaranteeing powers. The neutrality of Switzerland was violated by French, Austrian and Russian armies during the period of the French Revolution. Neutralized Luxemburg was violated by France in the War of 1870 when her fleeing soldiers sought refuge in Luxemburg and recrossed into France and again fought with the French army.

TREATIES AFFECTED BY CHANGED CONDITIONS

Hannis Taylor, a great American authority on international law, says that treaties of guarantee, like all other obligations of suretyship, are strictly construed. He shows that a treaty may become voidable through subsequent events, and says (Sec. 394, Int. Public Law) that "so unstable are the conditions of international existence, and so difficult is it to enforce a contract between States after the state of facts upon which it was founded has substantially changed, that all such agreements are necessarily made subject to the general understanding that they shall cease to be obligatory so soon as the conditions upon which they were executed are essentially altered."

Mr. Taylor (Sec. 395) cites Russia's contention as to the Treaty of Paris. He says that in 1870, when Russia determined to repudiate some of the vital provisions of the Treaty of Paris relating to the neutrality of the Black Sea—by which she had been fettered at the close of the Crimean War and which her subsequent development had rendered unbearable—she rested her case, in part upon the ground of altered conditions, asserting that "the treaty of 1856 had not escaped the modifications to which most European transactions had been exposed and in the face of which it would be difficult to maintain that the written law * * * retains the moral validity which it may have possessed at other times."

NOTHING PERPETUAL EXCEPT CHANGE IN CONDITIONS

Professor Pomeroy, another high American authority, after fullest consideration, supports Mr. Taylor in a way that must carry conviction. No one really believes there

can be such a thing as a perpetual treaty. There is nothing perpetual in mundane affairs except change. Change and modification make the music that beats to the march of time. The dead will not be allowed indefinitely to control the destinies of the living, nor to fetter the wings of progress or development. The English Statutes of Mortmain were passed to do away with the dead hand that gripped the land of the living. This principle, as applied to treaties, is thus explained in Pomeroy's International Law, at page 352:

"It should be remembered that the nature of treaties between nations discloses to us features which ought to distinguish these treaties from compacts between individuals. In fact, nations have an indefinite existence. All the generations to come, without having consented in person, find themselves bound, by the act of the generation which concluded the convention; the stipulations of the treaty, by the lapse of years or by subsequent changes, may become so opposed to the manners, to the situation of the respective powers, to the state of their industry, of their commerce, of their forces of every kind, that, justly, these stipulations should no longer be maintained."

In summing up the occasions when a treaty ceases to have binding force Mr. Pomeroy cites M. Pinheiro-Ferreira, one of the leading modern French writers on Public and International Law, as follows:

"I speak of those treaties which governments sometimes make with the clause that they are and shall remain binding *forever*, or at least until both contracting parties agree to rescind or to modify them. Such conventions never have been, nor should they be, taken literally, for it would be absurd to suppose that the present generation could have the right to bind future generations by conventions, good or bad at the time of their inception, that the posterity of one contracting party ought to be sacrificed to the posterity of the other. Treaties bind nations only so long as the principle upon which their validity rests continues to exist."

THE RIGHT OF SELF-PRESERVATION.

But, even, if it be granted for argument's sake, that the validity of the old treaty was not affected by changed conditions, Germany still has an absolute and incontrovertible defense in the supreme law of self-preservation. The German ultimatum to the Belgian government, Aug. 2, 1914, referring to the intended French invasion of Germany through Belgium, declares, "It is Germany's imperative duty of self-preservation to forestall this attack of the enemy."

Germany invokes this rule, which is not only sanctioned by the principles of International Law, but which is divinely fixed in the instinct of every thing that lives—the impulse of self-protection and of self-defense.

It will be seen from the following expressions of the most eminent authorities on International Law, that the right of self-preservation precedes and underlies every other obligation. All treaties are subordinated and subject to this basic and inherent right. It is implied, and read into, every treaty and contract, anything to the contrary said, notwithstanding. This primary right of existence cannot be lost or bargained away. It is unalienable.

Cyrus French Wicker, in his work "Neutralization," says at page 49: "French enemies, would no doubt be justified in invading Savoyard territory, *even though neutralized*, if it became evident that France were utilizing the resources of the province for military purposes and there were any advantages to be gained from the attack."

BRITISH AUTHORITIES ON LAW OF SELF-PRESERVATION

1. Phillimore, Int. Law, Chap 10 (CCXI):

"The Right of Self-Preservation is the first law of nations, as it is of individuals. * * * It may happen that the same Right may warrant her in extending precautionary measures *without* these limits, and even in transgressing the borders of her neighbor's territory. For International Law considers the Right of Self-Preservation as prior and paramount to that of Territorial Inviolability, and, where they conflict, justifies the maintenance of the former at the expense of the latter right."

Twiss, Int. Law, page 3:

"The State or Nation is thus under a primary obligation to preserve itself; in other words, Self-Preservation is a primary duty of National Life."

Page 4:

"The right of Self-Preservation accordingly gives to a Nation a moral power of acting in regard to other Nations in such a manner as may be requisite to prevent them from obstructing its preservation or its perfection. (Vattel L II C4 Sec. 49.) This Right is a perfect Right, since it is given to satisfy a natural and indispensable duty."

Hall, Int. Law, 4th Edn., p. 281:

"In the last resort almost the whole of the duties of states are subordinated to the right of self-preservation."

L. G. C. Laughton (United Service Mag., Vol. 29 (N. S.) 1904, page 226, in a very interesting article on "Belligerents and Neutrals," says:

"It is an axiom of international law that a State has the right to take measures to secure its existence."

THE RIGHT OF SELF-PROTECTION NULLIFIES TREATIES

Pomeroy, Int. Law, 351, cites Martens, Droit des Gens, Vol. II, Ch. II, Sec. 52:

"* * * Nevertheless, the right of self-preservation authorizes a nation to *recede from a treaty* which it cannot fulfill without causing its own destruction; and this faculty is even a tacit condition in all treaties, and especially in alliances."

Ortolan is then cited:

"Nevertheless, some publicists have observed that when a treaty leads directly to the destruction of the state, that state has the *right to treat it as null*. This is an evident and incontestible fact, based upon the right of self-preservation. For moral beings, as well as for individuals, there can be no obligatory promise when this promise is of suicide."

REASONS JUSTIFYING BELGIAN INVASION

We shall now consider the facts upon which the German claim of self-preservation is based.

At this point it may be well to recall that Germany's plea of self-defense was frank, direct, immediate, and not an afterthought. The German Chancellor, in his speech of August 4th, said:

"We knew that France was ready to invade. France could wait, we could not. A French attack on our flank on the lower Rhine could have proven portentous for us. * * * Whoever is threatened as we are and battles for all that is sacred dare only consider how he will hack his way through. * * * We have assured the English Government that as long as England remains neutral, our fleet would not attack the northern coast of France and that we would not interfere with the territorial integrity and the independence of Belgium. * * * We battle for the fruits of our peaceful labor, for the inheritance of a great past, for our future."

Let us now consider the situation that confronted Germany at the beginning of this war. Were the conditions such as to justify her belief that it was necessary for her to use Belgium for the transit of her troops against France? If the German Chancellor is correct, then there can be no question that it was necessary to pass through Belgium in order to anticipate an attack from France through this same territory. Since that time, however, authentic plans and documents have been found in Brussels proving the correctness of the German Chancellor's information. Pursuant to a secret agreement of April 10, 1906, entitled "Intervention Anglaise en Belgique," England and Belgium agreed to a "united operation of a British army of 100,000 men with the Belgian army against Germany." The plan was approved by the Chief of the British General Staff, Major-General Geierson. But, even if we assume that Germany's information as to the French intent was not positive at the time, it was by all means her duty to take all precautions to defend herself from this peril. It was necessary to take this step, as a measure of self-defense, because of the great delay that would be involved in the attempt to invade France

across the strongly fortified French-German frontier. When a nation finds herself on the brink of a contest with a *congeries* of nations such as Germany would expect to confront, immediate and quick action is the essence of possible success. Any delay, any hesitation to do everything to circumvent her enemies, would have been tantamount to suicide or insanity. The preponderance in financial resources, material wealth and population of Germany's enemies must have been present to the German mind when it came to decide upon the case of Belgium. Germany could not afford to make any mistake. Such errors as may be committed must be on the side of safety. The allies could expect, by the freedom of the seas, constantly to fill the gaps that their losses or errors might produce; while Germany, to have a reasonable chance to win at all, must be on the right and safe side practically from the outset to the end. It would, therefore, have been criminal folly to omit even the slightest precaution or advantage that the necessity of the situation imposed. I believe that, under the circumstances of a country hemmed in and surrounded by enemies as Germany was, it would have been in the nature of treason for the German staff to have respected a contract with the very enemies that were trying to get at her throat. The justice of Germany's conduct can only be judged by her motive. If Germany was truly persuaded that her national existence was in danger, she is absolutely absolved and vindicated.

HISTORICAL INSTANCES OF THE PLEA OF SELF-DEFENSE.

When the British invaded the United States during the Canadian Rebellion in 1838 and boarded the steamer *Carolina* and sent her adrift down the Falls of Niagara, the excuse was self-defense. Lord Ashburton, British Plenipotentiary, wrote on this matter to Secretary of State Webster, July 28, 1842:

"There are possible cases in the relations of nations, as of individuals, where necessity, which controls all other laws, may be pleaded."

The same plea of self-defense was made by Great Britain, when in 1807 she demanded that Denmark, a neutral country, shall turn over to her the Danish fleet for use

against France. When Denmark refused, an English army landed at Copenhagen and laid siege to the city and in that way compelled the Danish government to surrender its entire naval force as the price of safety.

The government of the United States likewise has had occasion more than once to appeal to the right of self-preservation.

KANT FOR PERPETUAL PEACE AND EUROPEAN FEDERATION.

As to the imminence of the danger to Germany there can be no question from the expressions of the leaders of public opinion among the great powers now at war with Germany, to the effect that Germany must be destroyed. For years English, French and Russian newspapers and periodicals were studiously employed in breeding hatred and jealousy against Germany. Of course, the German press retaliated, and thus, there was prepared that feeling of hostility which culminated in the war. The declarations of various statesmen, particularly the English, that this is a war in which the nations are fighting for the survival of the fittest, corroborate the German conviction that they were in a struggle for existence.

It is becoming more and more recognized that the way to have peace is to encourage sentiments of kindness, justice and helpfulness among the peoples of the world. A survey of history teaches us that we can find no hopes for peace in the parchment and seals of treaties. Even the plan proposed by the great German philosopher, Kant, who sought his ideal of permanent peace in a European federation, seems hardly practicable, though its desirability admits of little question.

GERMANY IN SELF-DEFENSE.

The immediate cause of the war was the refusal of Russia to demobilize the troops she was massing against the Austrian and German borders. Germany was engaged in the effort to mediate between Russia and Austria and had made some progress, when Germany became aware that the time she was being induced to consume in trying to preserve the peace of Europe, was taken advantage of by her

enemies in warlike preparations against her. It has been claimed that mobilization is not a cause for war, but an absolute right of a sovereign state. Nevertheless, the massing of troops against a neighbor's boundary has ever been regarded as a menace calling for explanation. It is equivalent to what would be the raising of a club by one individual against another. That would be an assault. The attack with the club would be the battery. Usually assault and battery follow in quick succession and the person threatened by the raising of the club is not required to wait until he is struck before defending himself. Thus, while it is true, that Germany stands before the world ostensibly the aggressor by declaring war against Russia, the fact is that in the forum of law and conscience, the blame for the starting of this war justly falls upon Russia and her allies.

Lieber, Vol. II, page 447, in his work on "Political Ethics," says:

"A war may be essentially defensive, and yet we may begin it; for instance, if we must prevent an invasion which is under preparation."

Also Bentham in Vol. X, page 531, proclaims the same principle.

A point of minor importance, but still worthy of consideration, is, that the occupation of Belgium was necessary to furnish an extended area for the deployment of the unprecedented number of troops that would be engaged. Germany also required the Belgian railroad connections as a means of transit into France and as a general base of operations. Moltke, in his work on the Franco-Prussian War, describes the difficulty of the mobilization of the French troops by the clogging up of their roads. In 1870 it was possible for Germany to carry the war directly into France; since then a fortified barrier has been created by France on her eastern frontier, which made the use of Belgium by Germany an absolute necessity in an offensive campaign against France. General Picquart of the French Staff years ago prepared plans anticipating this situation. England's preparation for the landing of troops in Belgium is a corollary to this proposition.

NEUTRALIZED STATE MUST BE IMPARTIAL AND BEYOND SUSPICION

It has been contended that the recently published documents on the British-Belgium compact, do not violate Belgium's neutralized character, because they are to be effective only in case Germany invades Belgium. This argument shows a total lack of understanding of the idea of neutralization.

The first and indispensable prerequisite for a neutralized state is, that its *character for impartiality must not be open to doubt*—it must be beyond all reproach and suspicion. It may have no favorites. As soon as it confides, as it were, the combination of the safe containing its military secrets, to one or more of the guaranteeing powers, but not to all, it has violated the faith that it owes to all, and becomes recreant to its neutral obligations.

Morand (R. G. I. S. 522) lays down the rule of strict and perfect impartiality required of a neutralized state, as follows:

“La politique de l'Etat neutre doit s'inspirer d'un spirit de parfaite impartialite'.”

THE BRITISH GOVERNMENT WANTED WAR—NOT THE BRITISH PEOPLE

As the English, the Germans and the people of the United States are strongly inter-related in blood and in the common aims of their culture and civilization it is our special duty to bring out good will and harmony among them.

Let us hope that the German people—who were among the first to recognize the merits of great Englishmen like Shakespeare, Darwin and a galaxy of others—shall likewise recognize the full worth and value of the great English people, and realize that their rank and file are not to be held responsible for the British precipitation into the war—that those members of the British Cabinet, in closest touch with the English people—not only did not want the war, but resigned their seats as a protest against it.

GERMANY HAD NO DESIRE FOR WAR

The German people are entitled to universal admiration for the way in which they have borne themselves in this, the supreme trial of their national life. They stand together with a singleness of spirit that has rarely been equalled.

Their unanimous conviction that they are engaged in a purely defensive war thrust upon them by the machinations of their enemies cannot be predicated upon the theory that they are spell-bound by some hypnotic illusion. They are too practical a people to chase after military glory and risk the assets at hand. No prospect could have been more promising or satisfactory than the continued peaceful operations that yielded such valuable dividends in everything that can make a people prosperous and happy. She was an acknowledged cultural center of the world. Her universities, art schools and art treasures attracted students from everywhere. Her manufactures reached every part of the globe, and her commerce, in rate of progression, was unsurpassed. In judging whether Germany was desirous of putting a quietus upon such a splendid *status quo* and risking the loss involved in war with the great world powers, we should reason upon normal probabilities and give such a people credit for more than a modicum of common sense.

Such rushing into war against a world of enemies, except for self-defense, is unthinkable.

EMERSON ON THE PHILOSOPHY OF WAR

The struggle of Germany for the right to exist as a free and united nation is, in some respects, similar to our own struggle to preserve the Union. The high contemplations aroused in that great contest for human rights and the integrity of our Union were most fittingly expressed by Emerson, in his peroration on "Lincoln," and may be profitably pondered at this time:

There is a serene Providence which rules the fate of nations, which makes little account of time, little of one generation or race, makes no account of disasters, conquers alike by what is called defeat or by what is called victory, thrusts aside enemy and obstruction, crushes

everything immoral as inhuman and obtains the ultimate triumph of the best race by the sacrifice of everything which resists the moral laws of the world. It makes its own instruments, creates the man for the time, trains him in poverty, inspires his genius, and arms him for his task. It has given every race its own talent, and ordains that only that race which combines perfectly with the virtues of all shall endure.

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